

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 14, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

Absent: Trish Owen, Deputy County Clerk

The Board of Commissioners meeting was convened at 1:33 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 7, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Heier moved and Campbell seconded approval of the minutes of the Board of Commissioners dated May 7, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

The Chair introduced Darl Naumann, Administrative Assistant to the Mayor/Economic Development.

Naumann stated he worked in the economic development field for the State of Nebraska for approximately nine years and looks forward to working for the City and the County.

2) **SPECIAL PRESENTATIONS:**

A. An exceptional circumstance award, in the amount of \$500, for Paul Wilhite, Corrections Department "2001 Employee of the Year".

MOTION: Heier moved and Stevens seconded approval of a one time cash award, in the amount of \$500, for Paul Wilhite, Corrections Department "2001 Employee of the Year". Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

B. Green Ribbon Campaign for Children's Mental Health Awareness Month - Henry Moss, Families First and Foremost Training and Technical Assistance Coordinator.

Henry Moss, Training and Technical Assistance Coordinator for Families First and Foremost, appeared and gave a brief explanation regarding the Green Ribbon Campaign for Children's Mental Health Awareness Month noting that May 7th was Child Depression Day.

C. A proclamation supporting the Cattlemen's Ball 2002 - Lynne Rustad, Cattlemen's Ball Co-Chair; Sandy Witkowicz, Marketing and Communication Coordinator with the Convention and Visitors Bureau.

Lynne Rustad, Cattlemen's Ball Co-Chair and Dr. Elliot Rustad appeared and gave a brief summary regarding various events in connection with the Cattlemen's Ball.

Mrs. Rustad also stated the goal of the Cattlemen's Ball is to bring cancer awareness to individuals living in Nebraska. All proceeds, she stated, will go to the Eppley Cancer Center in Omaha.

Also appearing were Sandy Witkowicz, Interim Director of the Convention and Visitors Bureau; and Sheila O'Connor, sales representative with the Convention and Visitors Bureau.

The Clerk read the proclamation into the record.

MOTION: Hudkins moved and Stevens seconded approval of the proclamation supporting the Cattlemen's Ball 2002. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

3) **CLAIMS FOR REVIEW:**

A. **Payment Voucher 784-6619, dated April 19, 2002 - The Community Mental Health Center has requested payment to Lauralee Clinchard, totaling \$16.21, for mileage between September 12, 2001 and December 5, 2001. The amount of \$16.21 is over 90 days old (See Neb. Rev. Stat. §23-135).**

MOTION: Campbell moved and Heier seconded approval of Payment Voucher 784-6619, dated April 19, 2002. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

4) **CLAIMS:** **Approval of all claims processed through Tuesday, May 14, 2002.**

MOTION: Hudkins moved and Campbell seconded approval. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. **Continuation of a public hearing regarding an application for a Corporate Manager, for Patrick J. Lloyd, in connection with a liquor license for the Nebraska State Board of Agriculture d/b/a Nebraska State Fair located at 1800 State Fair Park Drive in Lincoln, Nebraska.**

The Chair reconvened the public hearing and asked if anyone wished to provide testimony.

No one appeared and the hearing was closed.

6) **NEW BUSINESS:**

A. **An application for a Special Designated License from Chace Ent. d/b/a Silver Spoke Saloon, located at 1033 M Street, to have a beer garden at 1400 Saltillo Road on Saturday, June 1, 2002 from 8 a.m. to 1 a.m.**

Teri Ernisse, applicant, appeared and explained that she is currently in the process of purchasing the property at 1400 Saltillo Road.

In response to a question asked by Hudkins, Ernisse stated that ABATE of Nebraska was holding a fund raiser.

6) **NEW BUSINESS CONTINUED:**

Heier expressed concern that a formal inspection had not been conducted by the State Fire Marshal.

Ernisse stated the inspection hadn't been conducted because she is currently in the process of applying for a liquor license at that location.

Bill Jarrett, Chief Deputy Sheriff, stated they had not received any information from Building and Safety, the Health Department or the State Fire Marshal regarding whether the building meets code. He also added that an occupancy permit had not been issued. Other areas of concern expressed by Jarrett were parking, fencing and the high volume of traffic.

Extensive discussion took place regarding fencing, inspections by the State Fire Marshal, Lincoln-Lancaster County Health Department, Building and Safety.

Campbell stated she would like to defer action on the application for one week to allow for further review and to obtain additional information.

MOTION: Heier moved and Stevens seconded to approve an application for a Special Designated License from Chace Ent. d/b/a Silver Spoke Saloon to have a beer garden at 1400 Saltillo Road on June 1, 2002 subject to the chain link fence being in place and receipt of necessary documentation from the State Fire Marshal, the Lincoln-Lancaster County Health Department, Building and Safety in terms of an occupancy permit and the Sheriff.

AMENDMENT TO THE MOTION: Stevens offered an amendment that the applicant be requested to present a progress report and submit written approval from the State Fire Marshal, the Lincoln-Lancaster County Health Department, Building and Safety and to also provide documentation that the chain link fencing is in place at the County Board meeting scheduled for May 21, 2002.

The maker of the motion agreed to the amendment.

MOTION: Campbell moved and Hudkins seconded to table action on the application for a Special Designated License from Chace Ent. d/b/a Silver Spoke Saloon for one week. Hudkins and Campbell voted aye. Workman, Stevens and Heier voted no. Motion failed three to two.

6) **NEW BUSINESS CONTINUED:**

ROLL CALL ON PREVIOUS MOTION: Heier and Stevens voted aye. Workman, Campbell and Hudkins voted no. Motion failed three to two.

B. Applications for Special Designated Licenses from Hillcrest Country Club, located at 8901 "O" Street to hold golfing events on the following dates:

- ▶ **Sunday, May 26, 2002 from 7 a.m. to 1 a.m.**
- ▶ **Sunday, June 2, 2002 from 7 a.m. to 1 a.m.**
- ▶ **Sunday, June 16, 2002 from 7 a.m. to 1 a.m.**
- ▶ **Sunday, July 7, 2002 from 7 a.m. to 1 a.m.**
- ▶ **Sunday, August 4, 2002 from 7 a.m. to 1 a.m.**
- ▶ **Sunday, August 18, 2002 from 7 a.m. to 1 a.m.**

Andrew Reetz, general manager of Hillcrest Country Club, appeared and stated he was applying for six separate Special Designated Licenses for Sunday morning golfing events.

MOTION: Campbell moved and Hudkins seconded approval. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

C. An agreement with James Rogers to serve as project manager for the updating and revision of the Lancaster County Local Operations Plan, beginning May 6, 2002 and ending June 30, 2002. The County will pay \$7,000 for the services. (C-02-0186)

David Johnson, Deputy County Attorney, suggested that if the Board approves the agreement it should be subject to amending language contained in the second sentence of Subsection 4 to read as follows: "Payment to the Contractor will be made based upon documentation and submittal of an invoice to the County that all services have been rendered pursuant to the terms of this agreement in a timely and satisfactory manner."

Doug Ahlberg, Emergency Management Coordinator, stated that the Lancaster County Local Operations Plan has not been addressed since 1996 and in order to meet the State of Nebraska's requirement they are obligated to update and revise the Plan. He explained that he had set aside funding in his budget for a temporary employee in addition to obtaining a Hazard Mitigation Program (HMP) Grant for \$3,500 which will be paid to the County upon completion of the Local Operations Plan.

6) **NEW BUSINESS CONTINUED:**

MOTION: Campbell moved and Hudkins seconded approval of an agreement with James Rogers to serve as project manager for the updating and revision of the Lancaster County Local Operations Plan subject to amending language contained in the second sentence of Subsection 4 to read as follows: "Payment to the Contractor will be made based upon documentation and submittal of an invoice to the County that all services have been rendered pursuant to the terms of this agreement in a timely and satisfactory manner."

In response to a question asked by Stevens regarding a pending policy number on the certificate of insurance, Johnson stated it was his understanding that the policy number was still pending. He suggested that the motion be subject to the receipt of the required certificate of insurance.

Both the maker of the motion and the seconder agreed to include that the agreement be approved subject to the receipt of the required certificate of insurance.

ROLL CALL: Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

D. An application, agreement and an amendment with Wells Fargo Merchant Service, L.L.C. for credit card processing in the Lancaster County Treasurer's Office. Wells Fargo agrees to waive the set up costs. The services will be at no additional cost to the County. Individuals using credit cards to pay their taxes will pay a \$30 transaction fee. (The merchant agreement and operating procedures guides are on file in the County Clerk's Office.) (C-02-0195 and C-02-196)

This item was held.

6) NEW BUSINESS CONTINUED:

- E. An amendment to County Contract C-01-21 between Families First and Foremost and the State of Nebraska, Department of Health and Human Services for community based residential and non-residential evaluations for youth of the Southeast Service Area. The amendment extends the term to June 30, 2002. All other terms and conditions shall remain in full force and effect. (C-02-0197)**

Johnson requested the amendment be approved subject to the deletion of "by and on behalf of Families First and Foremost" and subject to the Chair initialing the change. He explained that Families First and Foremost is a project and Lancaster County is a separate entity from it.

MOTION: Campbell moved and Stevens seconded approval of the amendment with the State of Nebraska, Department of Health and Human Services subject to the deletion of "by and on behalf of Families First and Foremost" and subject to the Chair initialing the change. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

- F. A resolution authorizing the following traffic signs in Lancaster County, Nebraska: (R-02-0045)**

- ▶ **Install a left turn sign on Southwest 84th Street approximately one-tenth of a mile south of Kolbrook Road for northbound traffic.**
- ▶ **Install 25 mile per hour speed limit signs in the residential district of the unincorporated village of Martell on Third Street south of West Martell Road for southbound traffic and on William Street south of West Martell Road for southbound traffic.**

MOTION: Heier moved and Campbell seconded approval of Resolution 02-0045. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

- G. A request from Thomas D. Hanthorn for a refund of real estate taxes for 2000, in the approximate amount of \$158.83, and a credit for 2001, in the approximate amount of \$167.86.**

MOTION: Heier moved and Campbell seconded approval of the refund request from Thomas D. Hanthorn. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

H. A request from Lloyd and Agnetta Tiedman for a refund of personal property taxes for 2001, in the approximate amount of \$413.34.

MOTION: Hudkins moved and Stevens seconded a refund request from Lloyd and Agnetta Tiedman. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. **Receive and Place on File:**

1. Lancaster Manor's Monthly Report.

B. **Setting of public hearings for Tuesday, June 4, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:**

1. An application for a Class M (Bottle Club) liquor license from Hotdam, Inc. d/b/a Pawnee Marina located at 3805 Northwest 105th Street in Lancaster County, Nebraska. (This would be in addition to an existing Class E (Beer Off Sale Only) liquor license.)

2. An application for a Corporate Manager for Mary E. Benes submitted by Raymono's Pizza Plus Inc. d/b/a Raymono's Pizza Plus, located at 5580 West Mill Road, Suite D relating to a Class M (Bottle Club) liquor license.

C. A request from Glenda Green, an employee at the Lancaster County Juvenile Detention Center, to voluntarily participate in the County's retirement plan.

D. A resolution in the matter of a Corporate Manager liquor license application for Patrick J. Lloyd, in connection with a Class C (Alcoholic On and Off Sale) and a Class K (Wine Off Sale Only) liquor license for the Nebraska State Board of Agriculture d/b/a Nebraska State Fair Park located at 1800 State Fair Park Drive in Lancaster County, Nebraska. (R-02-0044)

7) CONSENT ITEMS CONTINUED:

E. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ Elton and Ardyth Mendenhall, in the amount of \$94.89, on West Fletcher Avenue nine-tenths of a mile west of Northwest 84th Street; Project C.P.-E-55. (C-02-0187)
- ▶ LD1BAE, LLC, in the total amount of \$9,180, on Saltillo Road from South 84th to South 98th Streets; Project C55-PQ-406(1). (3 contracts) (C-02-0188 through C-02-0190)
- ▶ Duane and Sandra Maahs, in the amount of \$460.07, on South 162nd Street; Project C.P.-Q-189. (2 contracts) (C-02-0191 and C-02-0192)
- ▶ Celesta Hedge, Martha Hedge O'Donnell and Gretchen Hedge Ellis, in the amount of \$17,304, at Northwest 27th Street and Highway 34 (Kawasaki); Project 01-23. (2 contracts) (C-02-0193 and C-02-0194)

MOTION: Heier moved and Hudkins seconded approval of the Consent Items. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

8) ADJOURNMENT:

MOTION: At 3 p.m. Heier moved and Campbell seconded adjournment of the Board of Commissioners meeting. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 14, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

Absent: Trish Owen, Deputy County Clerk

The Board of Equalization was convened at 3 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 7, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated May 7, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 7 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Campbell seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS FOR THE FOLLOWING:**

**Christian Church (Disciples of Christ) in Nebraska
Lincoln Action Program, Inc.
Sacred Heart Church**

MOTION: Heier moved and Campbell seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: At 3:02 p.m. Campbell moved and Heier seconded adjournment of the Board of Equalization meeting. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk